

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Katsuyuki NAKADA et al. Group Art Unit : 1756  
Appln No. : 10/801,689 Examiner : K. DUDA  
Filed : March 17, 2004 Confirmation No. : 1890  
For : RESIST PATTERN FORMING METHOD AND RESIST PATTERN  
FORMING SYSTEM

**RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AMENDMENT  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir :

In response to the Examiner's restriction requirement dated April 4, 2007, setting a one month period for response extending until May 4, 2007, Applicants elect, with traverse, the invention identified by the Examiner as Group I, a resist pattern forming method, including claims 1-4.

Applicants respectfully traverse the Restriction Requirement. The Examiner has characterized the inventions of Groups I (claims 1-4) and II (claims 5-8) as "process and apparatus for its practice". The Examiner has stated in the restriction requirement that "the apparatus as claimed can be used in another materially different process such as resist exposure with a pre-exposure brake". However, even if the Examiner's characterization of Groups I and II as defining a related process and apparatus for its practice were to be considered correct, Applicants respectfully request that all of the inventions defined in claims 1-8, nevertheless, be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. § 803. That


is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a "serious burden" on the Patent and Trademark Office in examining claims directed to the non-elected invention since the Examiner will have to search for the resist pattern forming system while searching for the resist pattern forming method.

It would appear that the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. That is, if the Examiner were to perform a search for the invention of Group I, there would not appear to be a serious burden in continuing the examination of the other invention of Group II, especially since the apparatus of Group II appears to require the process of Group I. For this reason, and consistent with Office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Requirement for Restriction.

For the foregoing reasons, it is submitted that the Requirement for Restriction is this application is improper and it is respectfully requested that it be reconsidered and withdrawn.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Katsuyuki NAKADA et al.

  
Bruce H. Bernstein  
Reg. No. 29,027

Linda J. Hodge  
Reg. #47,348

May 2, 2007  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191